



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Minutes

Minutes of the meeting of the Joint Central Committee held on Tuesday 18th August 2020 by Video Conference.

1. Attendance and Opening

SPF Office Bearers:

| | |
|----------------|-------------------------------|
| David Hamilton | Chair |
| Calum Steele | General Secretary / Treasurer |
| David Kennedy | Deputy General Secretary |
| Brian Jones | Vice Chair |

North Committee:

Nick Clasper
Neil MacDonald
Scott MacDonald
Ross Polworth
David Threadgold
James Thomson

East Committee:

Stephen Clark
Heather Macdonald
Andy Malcolm
Stevie Neilson
Graham Ross
Lyn Redwood

West Committee:

Hugh Burns
Paul Connelly
Lorna Cunningham
Jennie McFarlane
Gary Mitchell
Jenny Shanks

Assistants to the General Secretary (AGS)

Amanda Givan (Conduct)
Nigel Bathgate (Equality)
Gordon Forsyth (H&S)

Also in attendance

| | |
|------------------|------------------------|
| Doug Keil | Business Manager |
| Lesley Stevenson | Business Administrator |

Due to the COVID-19 situation, the meeting was conducted by Video Conferencing.

The Chair opened the meeting by welcoming everyone and invited everyone to take an active part in the meeting.

Apologies were received from Ricky Wood who was replaced by Lyn Redwood.

Standing Orders were adopted for the duration of the meeting.

2 Minute of Previous Meeting

The Minute of the previous meeting was circulated with JCC Circular 40 of 2020 and following a minor typographical error was accepted as a true record.

3 Legal Advice and Assistance

The Deputy General Secretary informed the Committee that since the last meeting 72 new applications were approved for consideration of legal advice and assistance.

These comprised 41 in the West; 11 on duty and 30 off duty, 18 in the East; 10 on duty and eight off duty and 13 in the North; nine on duty and four off duty.

These included 9 civil legal defence cases, two contract dispute cases, 30 criminal legal defence cases; three employment dispute cases (officers); one employment dispute cases (ex-officer); one FAI case; four RTAs; 17 personal injury cases; three property protection cases and two miscellaneous cases. One application had been rejected since the last meeting.

The Committee noted that there were currently 448 live files and 29 files had been closed since the last meeting.

Allard & Others v Devon and Cornwall

The Deputy General Secretary reported that the case was still ongoing and was in the early stages of court proceedings. The PSoS had been asked for a settlement figure. It was noted that the Chief Constable had said at the last JNCC meeting that he hoped to have the matter resolved by September 2020. It was further noted that the Allard case was against the SPA and not the Chief Constable.

Holiday Pay Claim

The Deputy General Secretary reported that holiday pay claim remained sisted. Members discussed the PSNI judgement. It was noted that the current settlement was in relation to 20% of the original potential claim. This was being examined to seek a higher settlement for members. Jenny McFarlane raised a potential equality issue where additional hours were taken as time and not payment, and was advised that the QC had confirmed that there was no evidence of discrimination.

WhatsApp

The Deputy General Secretary reported that this matter remained at the appeal process.

Sheku Bayoh

It was noted that a date was awaited for the Public Enquiry and expert witnesses were being gathered.

Pension Claim

It was noted that the closing date for officers to raise a claim had now passed, however there was opportunity for officers who had been off sick or on maternity leave to still lodge a claim.

COVID-19

It was noted that the panel of experts were considering ongoing issues and was being closely followed by the SPF legal experts.

It was noted that an officer had sought legal advice in relation to quarantine and the use of officer's personal time. A decision was awaited. The General Secretary reminded the Committee that the decision as to whether to take TOIL (or not) was one solely for the constable. He also reminded the Committee that constables can be directed to take annual leave.

4 Police Negotiating Board (PNB)

The General Secretary reported that the PNB had not formally met since the last JCC meeting.

He reported on the PNB TWG meetings which had been held on 1st May, 12th June and 22nd July 2020. He further reported that progress on the pay claim would be heavily linked to the government budget process, and that in that regard members should note that the Chancellor had recently cancelled the Autumn Budget.

Police Officer Handbook

It was reported that the handbook was almost finalised and discussion around publication and hosting took place. User testing of the functionality was underway and a small number of comments had been received. The General Secretary expressed his gratitude to Doug Keil for his work on the handbook. He also advised that whilst an increasingly small number of issues remained to be resolved, this not prevent the publication of the first version.

Pay Scale Anomalies

The Committee noted that a potential pay scale anomaly that could have seen officers promoted later "leapfrogging" the pay of those promoted earlier, had been identified and resolved. A temporary increment date will be created which will see no one lose out.

Bereavement Leave

An agreement on bereavement leave has been secured following the Official Side accepting a proposal from the Staff Side on discretion.

COVID-19

The General Secretary provided an update on COVID-19 and said that there were a number of outstanding issues including officers being incapacitated or potentially losing their lives and how Scotland was behind English and Welsh forces in this regard.

Differences included when an officer contracts the virus at their place of work and what would happen in the event of death or long-term health issues. It was noted that the National Police Chiefs Council had agreed to a presumption that contraction of Covid would be considered as duty related if officers had been on duty within the preceding 28-days. Despite representations, no such definitive position had been narrated in Scotland. The Committee shared the frustrations and agreed the General Secretary should continue to pursue this.

COP26 – Special Arrangements

The General Secretary reminded the Committee that the Staff Side had asked the Official Side whether they considered the exceptional demands that will be placed on officers for COP26 was deserving of recognition.

In response to this the Official Side had repackaged a Staff Side claim in relation to double-lock for rest day working, however this does not address the issues identified for police inspectors and other ranks.

The Committee noted that COP-26 has now been rescheduled for November 2021.

College Allowance

The Committee noted that there had been no progress on this matter.

Overseas Deployments

The Committee noted that there had been no progress on this matter.

Equality Working Group (EWG)

The AGSE reported that the EWG recently met and the main issue discussed was the Police Officer Handbook. Minutes of the relevant meetings had been circulated.

5 Pensions

The General Secretary reported on the meeting of the UK Police Pensions Consultative Forum (UKPPCF) meeting that took place on the 1st July 2020 in conjunction with the Scheme Advisory Board (SAB) for England & Wales (E&W). Amongst the items discussed were; Opt out data; Cost cap Mechanism - Judicial Review; Retirees / re-joining tax issues; federated ranks honorarium and the impact on pensions due to COVID related cancellations of weddings etc.

The General Secretary reported and answered questions on the activities of the TWG established in response to the UK Government's consultation on the remedy required following the discrimination in the 2015 CARE Scheme (McCloud and Sargent cases).

The TWG met on the 30th July and 10th August. In addition to the formal consultation the Government had advised of the lifting of the pause on the cost cap exercise. Whilst the announcement on this was made at the same time as the consultation, its significance could not be understated as it was clear the intention was that the cost cap paper would need to reflect the cost of the removal of discrimination.

The formal consultation was on 24 questions, designed to cover the whole public sector. However, the specifics of the police scheme, which contained a double accrual provision would need specific consideration.

The UK Police staff associations had been sharing their expertise and collaborating on their response. He advised the Committee that much of the detail to inform the SPF response was highly technical and he proposed to arrange two or three workshop sessions to be able to work through them all.

The Chair reported that there were still concerns about the SPPA's ability to implement issues arising from the consultation. He said that SPPA was surprised at the level of scrutiny being applied to its activities by the SPPB. He also reported that there were concerns about the number of officers not in any pension scheme and about the annual benefit statements which were due this month.

6 Scottish Police Consultative Forum

It was reported that there had been no meetings of the SPCF. The next meeting had been scheduled for the 15th September 2020.

The General Secretary reported that the Chair of the SPCF was keen to discuss COVID-19 and asked the Committee to submit any issues they wanted to discuss prior to the meeting.

The Deputy General Secretary said there were concerns relative to the management of the ill health retiral process and the Scottish Police Authority and the interference by PSoS. The Committee discussed the posting panel's decisions on medical retirements. Concerns were noted relative to the independence of the HR Director in the process, the length of time the process took and the confusion and delay in the system. It was noted that this was worthy of further discussion prior to being raised at the SPCF.

Members discussed the diploma and promotion process and the new promotion pathway which was currently being developed. A meeting was scheduled for the 25th August 2020 to discuss this issue.

7 Scottish Police Authority

It was reported that the next meeting of the SPA would be held on 20th August 2020.

The General Secretary had written to the SPA interim Chair in respect of the manner in which the SPA gathered information to inform their accountability role. Members discussed the make-up of the SPA and agreed that more public representation was required as the current focus was almost entirely on money, and that other important issues received little or no scrutiny.

8 Scottish Police Budget & Finance

Members discussed strategic workforce plans and the importance of SPF involvement at a local level. Representatives were advised this was one of the most important issues that they should be turning their attention towards. They were also encouraged to be proactive and look beyond the immediate command structure. They were particularly encouraged to engage with councillors and ensure that they were aware of practical policing issues.

The Committee expressed significant concerns over the focus on balance sheets and accountancy tricks, such as full time equivalents and 'bits' of officers and incorrect data being used as a base line. Members were also concerned about large numbers of officers in specialist posts, the lack of frontline resources, the lack of facilities and estates and what they saw as overblown corporate functions.

9 Scottish Parliament & Political Engagement

The SPF responses to the Justice and Finance Committees of the Scottish Parliament on the Hate Crime Bill had been circulated with the Agenda papers and were noted.

It was noted that the SPF approach had been endorsed by others and the bill had only been supported by a minority of respondents.

The Committee discussed the current position relative to COVID-19 and expressed its concerns relative to ministerial guidance regarding enforcement and agreed that there was a fundamental flaw in legislation.

10 Joint Negotiating Consultative Committee (JNCC)

It was noted that the last meeting was held on 4th June 2020. Amongst the matters discussed were mass mobilisation, part time and pensionable pay, telematics, pension auto-enrolment and the Change programme.

The Committee approved the Memorandum of Understanding relative to telematics subject to receiving legal advice. Clarity was sought on the matter of senior officers' vehicles being exempt from telematics due to security issues. It was however agreed that the issue to SPF members was negligible and was a fleet management tool.

It was noted that the Working Practices Review Board had met twice since the last meeting with the majority of business being passed to the Resource Development Group. New guidance had been issued relative to risk assessments being required with shift patterns which had caused friction within PSoS.

11 Finance Standing Committee (FSC)

It was reported that the last meeting of the FSC was held on 6th August and the Minute would be circulated when approved.

An amended draft SPF Expenditure Policy had been circulated with the papers and was approved.

The General Secretary reported that the Voluntary Fund expenditure was significantly lower due to changes created by COVID-19. There were no areas of concern.

There were no areas of concern relative to the Trust Account.

Stevie Clark asked for an update on the provision of the coffee machines and the General Secretary advised that a response had been received from the PSoS informing them that a new serving contractor was being sought.

12 Legislation and Regulation Standing Committee

It was reported that the last meeting of the Legislation and Regulation Standing Committee was held on 6th August and the Minute would be circulated when approved. Members discussed the Review and it was noted that a response had been received from the Justice Secretary seeking a meeting. It was noted that publication was still expected in September/October 2020.

13 Operational Duties Standing Committee

It was reported that the last meeting of the Operational Duties Standing Committee was held on 6th August and the Minute would be circulated when approved.

An update was provided on the promotion process and some concerns were expressed about the numbers of applications compared against available posts. It was agreed that Deep Dive inspections would be considered again in the near future.

14 Conduct Committee

The last meeting of the Conduct Committee was held on 14th July 2020. The Minute had been circulated with JCC Circular 34 of 2020 and the AGSC said there was nothing further to report.

15 Equality Committee

The last meeting of the Equality Committee was held on 15th July 2020. The Minute had been circulated with JCC Circular 34 of 2020 and the AGSE said there was nothing further to report.

16 Health and Safety Committee (H&S)

The last meeting of H&S Committee was held on 16th July 2020. The Minute had been circulated with JCC Circular 34 of 2020.

The Committee discussed wellbeing and in particular the initiative in Dalmarnock where a wellbeing tree is available for officers to use to enhance their own wellbeing.

17 SPF Training

It was noted that due to the pandemic, no training had been carried out since the last meeting. Further dates and the use of VC were being considered.

18 JCC Circular

The following JCC Circulars had been issued since the last meeting are were noted:

- 21/2020 Cyber kiosk v5.00 – Consultation
- 22/2020 JCC Agenda Papers May 2020 – Information
- 23/2020 MyCareer v0.07 – Consultation
- 24/2020 FSC, L&R and Operational Duties Minutes May 2020 – Information
- 25/2020 Police Service of Scotland – Health and Safety Executive – Information
- 26/2020 Supplementary Scottish Police Federation Guidance on Shielding – Information
- 27/2020 Sheku Bayoh TOR to SPF – Information
- 28/2020 Competency & Values Framework v1.01 and EqHRIA
- 29/2020 Appropriate Adults v6.00 & EqHRIA – Consultation
- 30/2020 Information Governance SOP v1.00 & EqHRIA - Consultation
- 31/2020 Employment Tribunals – Information (not for general publication)
- 32/2020 EuroCOP Information
- 33/2020 Promotion (Police Officer) Procedure v13.0 - Consultation
- 34/2020 Conduct, Equality & H&S SC Minutes July 2020 – Information
- 35/2020 Public Service Pensions – Consultation
- 36/2020 SPF Response to Hate Crime Public Order Bill - Information
- 37/2020 Major Crime Review Guidance Document / EqHRIA
- 38/2020 Accelerated Leadership Pathway Procedure v1.0 - Consultation
- 39/2020 Diploma in Police Service Leadership & Management Procedure – Consultation
- 40/2020 JCC Minutes May 2020 – Information

19 Police Service of Scotland Reform

The Chair reported that digital evidence gathering was to be streamlined and CID officers were to be issued with phones and tablets. The General Secretary said that the Linda Duxbury study would be expanded and he was in communication with PSoS about this. PSoS appeared reluctant to participate in further study but SPF felt it had a responsibility to complete the work and would do so independently if necessary.

20 SOP Consultation

The Committee noted the SOPs that were issued for consultation since the last meeting.

- 6 April 2020 Cyber Kiosk Toolkit v5.00
- 27 May 2020 Land Based Search and Rescue Guidance Document v2.04

- 28 May 2020 EqHRIA Lawful Business Monitoring Guidance & EqHRIA & Anti corruption Policy
- 22 June 2020 Competency & Values Framework v1.01 and EqHRIA
- 23 June 2020 Appropriate Adults SOP v6.00 & EqHRIA
- 24 June 2020 Information Governance SOP v1.00 & EqHRIA
- 25 June 2020 Policing Football Guidance v0.04 and EqHRIA
- 14 July 2020 Promotion (Police Officer) Procedure v1.0
- 16 July 2020 Accelerated Leadership Pathway Procedure v1.0
- 16 July 2020 National Multi-Agency Strategy for Tackling Unacceptable Conduct at Football in Scotland National Guidance Document v7.00
- 27 July 2020 Major Crime Review Guidance Document & EqHRIA
- 3 August 2020 Diploma in Police Service Leadership & Management Procedure.

21 EuroCOP/ICPRA

The General Secretary advised that there had been no meetings of EuroCOP since the last meeting and meetings for the foreseeable future will be held online. He said new members had been added to the Confederation and he was meantime drafting new statutes for the organisation.

He said that ICPRA had met on 8th and 9th July 2020 and amongst the matters discussed was COVID-19 and the impact on the BAME communities.

It was highly unlikely the EuroCOP Conference would be held in November and was likely to be postponed until 2021. ICPRA Council had already been postponed to June 2021.

22 Police Related Charities

PTC

The AGSE reported that the PTC was to reopen on 7th September 2020. Previous applicants who had applied and been delayed had been notified.

The AGSE advised that data cleansing had ended and it had been agreed that SPF would only pass information when members were newly recruited. All applications should in future go direct to the PTC and notification of this change would be circulated.

St George's Trust

Two applications had been received from Scotland and were approved.

Scottish Police Benevolent Fund (SPBF)

The AGSE provided an update and informed the Committee that the SPBF were in statute in the draft for legislation and restitution orders.

Scottish Police Memorial Trust (SPMT)

It was noted that the Scottish Police Memorial Day had been cancelled however there was a pre-recorded event planned for the memorial day which would be streamed. Additional names had been added to the memorial stone.

National Police Memorial Day (NPMD)

A virtual event was being planned for 27th September 2020. A blue light event was planned and there would be discussion with the Force on whether this would operate in Scotland.

Police Care UK

It was reported that new trustees had been appointed, the SPF Chair, John Apter and Suzy Mertes.

23 Motion

- The Committee was asked to consider and approve the following motion;
 - The Joint Central Committee amend the rules as follows:

Delete existing rule 3.2.3 in its entirety and replace with a new rule 3.2.3 to read

“Other than in an election that may require to be conducted under the provisions of rule 3.3 the voters will be supplied with a ballot paper and instructions on how to vote.”

Create new rule 3.3 to read

“In the event it is not possible for an election to take place at a physical meeting of the Joint Central Committee, the General Secretary shall be responsible for putting in place an alternative form of voting that is capable of delivering a fair election.”

Delete existing rule 4.9.3 in its entirety and replace with a new rule 4.9.3 to read

“Other than in an election that may require to be conducted under the provisions of rule 3.3, the voters will be supplied with a ballot paper and instructions on how to vote.”

Create new rule 4.10 to read

“In the event it is not possible for an election to take place at a physical meeting of the Central Committee, the Committee Secretary shall be responsible for putting in place an alternative form of voting that is capable of delivering a fair election.”

Delete existing rule 6.2.3 in its entirety and replace with a new rule 6.2.3 to read

“Other than in an election that may require to be conducted under the provisions of rule 6.7, the voters will be supplied with a ballot paper and instructions on how to vote.”

Create new rule 6.7 to read

“In the event it is not possible for an election to take place at a physical meeting of the Area Committee, the Area Secretary shall be responsible for putting in place an alternative form of voting that is capable of delivering a fair election.”

This was passed by the Committee.

24 Correspondence

There were no items.

25 Competent Business

There were no items.

26 Closure

The Chair thanked everyone for their attendance and inputs at the meeting and advised that the next meeting would be held on 3rd November 2020. A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary